Key Amendments to

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

PART Env-Wm 1402

CONTROL OF ABOVEGROUND PETROLEUM STORAGE FACILITIES

Effective May 28, 2005

Summary: The New Hampshire Department of Environmental Services, Waste Management Division (DES) has amended the aboveground petroleum storage tank (AST) rules promulgated under the statutory authority of RSA 146-A:11-c. By statute, the rules had to be reviewed and/or amended within eight years of its adoption. The amendments to the rule seek to clarify ambiguities discovered in the original rule, to mirror federal and state requirements that the facility may also be subject to, and to close some "loop-holes" through which a few facilities have managed to sustain a higher environmental risk while maintaining an economic advantage over their competitors.

Key Amendments to Env-Wm 1402
1402.02 Applicability (a)(2) The de minimis regulated container size has been set to 55-gallons. (b)(1) The on-premise use heating oil exemption has been reduced from 10,000-gallons to 1,320-gallons. Pursuant to Env-Wm 1402.35(d), owners of existing AST systems that were previously exempt have until **May 28, 2008**, to comply with the AST Rules.
1402.09 Inventory Monitoring (a) Many owners are now relieved of the burden of inventory monitoring at facilities where releases would be otherwise apparent.
1402.10 Oil Transfers (b) The transfer of oil from cargo truck to cargo truck is prohibited.
1402.17 Requirements for Approval of AST Systems and Piping (a) Plans for new or replacement underground and over water piping systems must be submitted for review and approval by the department prior to installation. (b)(6) Requires that the engineer be aware of and identify on the plans all wells, surface waters, and source water protection areas within 500-feet of a proposed AST system. (i) Newly constructed systems must be inspected by the department prior to use and/or backfilling. (j) Department approval is required to operate a newly constructed system.
1402.21 Secondary Containment for New AST Systems (n) Covered spill containment buckets are required at new tank fill points if the fill point is not otherwise located within secondary containment.
1402.22 Secondary Containment for New Piping for AST Systems (d) Containment sumps with leak monitoring systems must be installed under new dispensers supplied by underground or over-water piping.

1402.27 <u>Requirements for New Oil Transfer Areas</u>

(a-c) A concrete pad or other impermeable surface shall be required at any surface that would likely be affected by an overfill event or by drips associated with routine connections and disconnections made while filling, draining, or dispensing from an AST system.

1402.28 <u>Release Detection for AST Systems</u>

(b) Line leak detectors must be installed in any new underground and over water pressure pipe systems.

1402.29 <u>Inspection and Reporting Requirements for AST Systems</u>

(f) Existing tanks greater than 5,100-gallons previously exempt from interior tank inspection requirements because they did not have a manufactured means of entry must now have a means of entry installed to facility an interior tank inspection. Owners have until at least **May 28, 2008**, to comply.

1402.30 <u>Spill Prevention Control and Countermeasure Planning</u>

(c) Non-marina regulated facilities storing less than 1,320-gallons in tanks meeting all new tank requirements and having covered secondary containment are exempted from SPCC Plan requirements.

1402.35 <u>Upgrading of AST Systems</u>

All existing tanks and single-walled underground and over-water piping must have secondary containment **before May 28, 2008**. Plans for upgrading of underground and over-water piping must be submitted for approval in accordance with Env-Wm 1402.17.

1402.37 <u>Temporary AST Systems at Construction Sites</u>

Regulatory requirements for temporary ASTs at construction sites have been truncated.

1402.38 <u>Requirements for Persons Installing AST Systems</u>

After May 28, 2007, all new AST systems and AST system component installations must be supervised by a person certified by the International Code Council (ICC) in AST installations.